

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| MAX MEZROW, | : | |
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| Plaintiff, | : | |
| | : | 23-CV-3755 (JMF) |
| -v- | : | |
| | : | <u>ORDER</u> |
| HOTEL HAYDEN et al., | : | |
| | : | |
| Defendants. | : | |
| | : | |
| -----X | | |

JESSE M. FURMAN, United States District Judge:


On May 11, 2023, the Court ordered Plaintiff to amend his Complaint to properly allege the citizenship of each party. ECF No. 13. On May 16, 2023, Plaintiff filed an amended complaint, ECF No. 16 (“FAC”), but it does not cure all of the defects the Court identified in the original Complaint. Specifically, Plaintiff does not properly allege the citizenship of Defendant Fortuna Realty, LLC, claiming only that “[u]pon information and belief, all members of [Fortuna Realty, LLC] are citizens of New York State.” *Id.* ¶ 3. That is not enough — each member of Fortuna Realty, LLC must be affirmatively identified and each member’s citizenship affirmatively pleaded. *See, e.g., U.S. Liab. Ins. Co. v. M Remodeling Corp.*, 444 F. Supp. 3d 408, 410 (E.D.N.Y. 2020) (explaining that “[to] plead[] an LLC’s citizenship, the identity and citizenship of each member has to be specifically alleged” and collecting cases); *see also, e.g., Prospect Funding Holdings, LLC v. Fennell*, No. 15-CV-4176 (LLS), 2015 WL 4477120, at *2 (S.D.N.Y. July 15, 2015); *Flemming v. Port Auth. of N.Y. & N.J.*, No. 21-CV-1112 (BMC), 2021 WL 878558, at *1 (E.D.N.Y. Mar. 9, 2021). Furthermore, once again, Plaintiff does not mention the citizenship of Defendant Fortuna Hotel Collection at all.

The Court will grant Plaintiff once last opportunity to amend his complaint to adequately allege diversity of citizenship. If, by **May 24, 2023**, Plaintiff is unable to do so, the Court **will** dismiss the case without prejudice and without further notice to any party.

Additionally, Plaintiff is reminded that, pursuant to Rule 1.B of the Court's Individual Rules and Practices in Civil Cases, "[a]ny amended or corrected filing (including but not limited to amended pleadings) shall be filed with a redline showing all differences between the original and revised filing."

SO ORDERED.

Dated: May 17, 2023
New York, New York



JESSE M. FURMAN
United States District Judge